

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANTHONY CRIVELLO RUSSO,

Plaintiff,

-against-

JAN B. GOLDING, POLICE OFFICER, JOHN
DIMILIA, SEARGEANT, DARREL ALGAREN,
POLICE OFFICER, MICHAEL GUEDES,
POLICE OFFICER, JOSEPH VOUSDEN,
TROOPER, and KEVEN M. CHORZEMPA,
POLICE OFFICER,

Defendants.
-----X

**NOTICE
OF MOTION**

Docket No.
07 Civ. 5795
(KMK) (MDF)


PLEASE TAKE NOTICE, that upon the annexed declaration of Jennifer E. Sherven, dated November 15, 2007, and the exhibit annexed thereto, the Memorandum of Law in Support of Defendants' Motion to Dismiss, and upon all prior pleadings and proceedings had herein, defendants JOHN DIMILIA, DARREL ALGAREN and MICHAEL GUEDES, by their attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, will move this Court before the Honorable Mark D. Fox, United States Magistrate Judge at the Courthouse located at 300 Quarropas Street, White Plains, New York 10601, on January 4, 2008 at 9:30 AM, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing plaintiff's complaint in part on the grounds that it fails to state a claim upon which relief may be granted,

and for such other and further relief as this Court deems just, equitable and proper.

Dated: Mineola, New York
November 15, 2007

**MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP**

Attorneys for Defendants
JOHN DIMILIA, DARREL ALGAREN, and
MICHAEL GUEDES

By: 
STEVEN C. STERN (SS 2573)
JENNIFER E. SHERVEN (JS 4195)
240 Mineola Boulevard
Mineola, NY 11501
(516) 741-7676
Our File No. 05-233

TO: ANTHONY CRIVELLO RUSSO
DIN: 05A5228
Plaintiff, *pro se*
Mid-State Correctional Facility
P.O. Box 2500
Marcy, New York 13403

OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL
Attorney for Defendants
JAN B. GOLDING, KEVIN M. CHORZEMPA and JOSEPH V. VOUSDEN
120 Broadway
New York, New York 10271-0332